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August 4, 2023

Hon. Denise L. Cote  
United States District Court Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: Millennium & Copthorne International Limited v. Highgate Hotels, LP  
Civ. Docket No.: 1:23-cv-6849

Dear Judge Cote:

Pursuant to Paragraph 8(B) of your standing orders, Plaintiffs WHB Biltmore, LLC and Millennium & Copthorne International Limited (“Plaintiffs”) respectfully submit this letter motion seeking leave to file under seal the following two documents:

- The Asset Management Agreement between Plaintiff WHB Biltmore, LLC and Defendant Highgate Hotels, LP (the “AMA”) (Exhibit A to the Declaration of Alex DeCarvalho, ECF No. 7-1).
- The Hotel Management Agreement between Plaintiff WHB Biltmore, LLC and Defendant Highgate Hotels, LP (the “HMA”) (Exhibit B to the Declaration of Alex DeCarvalho, ECF No. 7-1).

Both of these contracts contain provisions requiring that their terms remain confidential. Specifically, Section 5.27 of the AMA states: “during the Term and thereafter, the parties (i) agree to use good faith efforts to maintain the confidentiality of all such Confidential Information ***and terms of this Agreement***, and shall not disclose any such Confidential Information or the terms of this Agreement to any third Person...” (Emphasis added). Similarly, Section 25.2 of the HMA states: “during the Term and thereafter, the Parties (i) agree to use good faith efforts to maintain the confidentiality of all such Confidential Information ***and terms of this Agreement***, and shall not disclose any such Confidential Information or the terms of this Agreement to any third Person...” (Emphasis added).

Pursuant to the Court’s order, there is a conference scheduled today at 4:00 pm EST on Plaintiffs’ emergency motion for a temporary restraining order and preliminary injunction. (ECF No. 9.) It is imperative that the Court have these documents ahead of the hearing, as they are critical to the Plaintiffs’ position. However, Plaintiffs are contractually obligated to keep the terms of these agreements confidential.



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Therefore, Plaintiffs respectfully request leave to file both the AMA and HMA under seal with this Court.

Respectfully submitted,

*Cynthia Augello*

Cynthia A. Augello